

OLYMPIC COAST NATIONAL MARINE SANCTUARY

Meeting Minutes

Sanctuary Advisory Council Meeting
September 22, 2006
University of Washington
Olympic Resource Center
1455 S. Forks Ave.
Forks, Washington

Olympic Coast National Marine Sanctuary
NOAA, National Marine Sanctuary Program
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Reviewed by SAC Secretary

Reviewed by OCNMS Superintendent

Approved by SAC

Olympic Coast National Marine Sanctuary
September 22, 2006

Members Present:

Terrie Klinger, Research (Chair)
Tim Snowden, Hoh Tribe Alternate
Steve Joner, Makah Tribe
Jay Burns, Quileute Tribe
Bill Arntz, Conservation
Fan Tsao, Conservative Alternate
Martha Hurd, Washington DNR (Secy.)
Bob Bohlman, Marine Industry
Hayden Street, U.S. Navy
Gene Woodwick, Education
Ellen Matheny, Education Alternate
Teresa Scott, Wash. Dept. of Fish & Wildlife
Kevin Ryan, U.S. Fish & Wildlife Service
Doug Fricke, Commercial Fishing Alt.
Bob Morse, Citizen-at-Large
Mike Doherty, Clallam Co. Commissioner

Staff

Jennifer Lukens, Acting Superintendent
Andy Palmer, Coordinator
George Galasso, Asst. Mgr.
Ed Bowlby, Research Coordinator
Lori Fenstermacher, NOAA Oceanographer
(on temporary assignment)
Cheryl Sinclair, Recording Secretary

Guests/Public Attendees:

John Calhoun, Director ONRC
John Veentjer, Marine Exchange of
Puget Sound
Jennifer Hagen, NW Indian Fisheries
David Hudson, Hoh Tribe
Al Hightower, Commercial fisherman
Lloyd Sinclair

Welcome

Chair Terrie Klinger called the meeting to order at 10:00 a.m. Ellen Matheny welcomed OCNMS Advisory Council and introduced John Calhoun, Director of ONRC, who gave a brief history of ONRC, which oversees forestry as well as marine issues.

Agenda/Meeting Minutes

Terrie suggested one change to the agenda, moving the NOAA Office of Legislative Affairs presentation to 11:30 and the Fisheries Management Council presentation to 1:00, since Steve Joner may not be available until afternoon. Minutes of the July teleconference call are not yet available. Bob Bohlman **moved** to adopt the minutes of the May 19, 2006 meeting as presented. Seconded and **approved**.

Expiration of Terms

Andy Palmer reported that two seat terms are expiring, education and commercial fishing representative. He has started the process for publication in the October 15 Federal Register, with a closure date of November 15, which hopefully will allow having the new members seated by the January meeting. Notices will also be published in local newspapers on the Peninsula and along the I-5 corridor. Anyone wishing publication elsewhere should contact Andy.

Current Annual Operating Plan

Andy reported that with the exception of addressing management plan review, basically all of the items on the AOP were accomplished. While Jim Davis from Olympic Coast Alliance has not yet had an opportunity to give his presentation on their citizens' oil spill initiative, he has agreed to give a presentation at the November SAC meeting.

Member Report

Fan Tsao, from Marine Conservation Biology Institute (Conservation Alternate) gave a member report which focused on a publication by her organization on the status of deep sea corals in US waters. Deep sea corals are so named in order to distinguish them from tropical, reef building corals. Among other things, deep sea corals are important as nursery areas for some species of fish; provide shelter and feeding habitat for many species; may have pharmaceutical value, and currently some are used in the jewelry trade. There is still not yet a lot known, as these particular corals have been studied intensely for only about the last 10 years. The corals are fragile, long lived, and take a long time to regenerate when damaged, if they are able to regenerate at all. Fan showed a MCBi map of the "real United States" that shows all the areas of the oceans that are under U.S. control in addition to the land. Fan answered questions from advisory council members. Al Hightower explained how the Pacific Fisheries Management Council has dealt with deep sea corals, including making areas off limits to bottom-contact fishing gear.

OCNMS Corals and Hypoxia Report:

Ed Bowlby, OCNMS Research Coordinator, reported on the past summer's exploration of the sanctuary waters for deep sea corals. Using side scan sonar, scientists selected hard bottom areas are likely to provide habitat for deep sea corals as the focus of the dives. There were 11 dives with a remotely operated vehicle at 15 locations within sanctuary waters. To maximize effort, once the ROV was deployed, they tried to keep it down as long as possible, with one dive lasting 52 hours. Two teams operated in 12-hour shifts. Dives were concentrated on the Juan de Fuca canyon walls and troughs. Small samples of coral were brought back on board for positive identification. Those samples are now being studied for identification and for genetic workup. The data which was brought back, including samples, video, and still photographs, will be analyzed for many different uses, including identification of habitat and association of species, and the findings will eventually be published in peer review journals. OCNMS just recently submitted a new proposal to NOAA Ocean Exploration for funding to go back out in 2007 for further coral and sponge exploration. Various agencies and the Tribes will have input as to selection of the 2007 dive sites.

Ed reported on the sanctuary's testing for hypoxia, low dissolved oxygen. In 2004 and 2005 a pilot project was started to do boat sampling. Instruments were lowered over the side of the boat every two weeks to check oxygen levels. This year, the research team was able to place instruments on the moorings so there were continuous records versus spot checking of the previous year. With the continuous recording instruments this year at Cape Alava and Cape Elizabeth, the sensors picked up near hypoxic events and hypoxic events throughout the

summer. Those time frames will be looked at to see if they correlate any large die-offs of crab or fish observed on the beaches or with fishermen noticing unusual amounts of dead crabs in their crab pots. At this point, the hypoxic events do not appear to be related to pollution but rather to natural upwelling events. Ed then took questions about both projects. Plans for deploying additional mooring arrays next year depends entirely on funding available through the program and that isn't looking very good right now. Eventually the sanctuary would like to have real-time data transmission from the moorings so that alerts could be sent out if hypoxic events are detected.

NOAA Office of Legislative Affairs:

Jennifer Lukens, who has been acting superintendent in Carol's absence, gave an overview of NOAA's Office of Legislative Affairs in Washington, D.C. Jennifer's team covers ocean-related issues, including sanctuaries, coastal zone management, office of response and restoration, corals and marine debris. The Office of Legislative Affairs is the primary liaison between NOAA and Congress. Jennifer's office focuses on the hearing process, including finding appropriate witnesses to speak to Congress or testify on issues; coordinating with program experts to provide information for testimony and focusing on the issues. After hearings, the staff coordinates responses to follow-up questions from members of Congress. They monitor bills that are introduced which are related to NOAA or that NOAA might have an interest in; or at times provide technical assistance in drafting a bill and maintaining communication with people who have worked on those bills. They also initiate meetings with members of Congress and their staffs to keep them updated on what NOAA is doing and arrange site visits for key staff so they can see first-hand what is happening. Jennifer also gave an overview of the structure of committees and subcommittees and how funding takes place. A current priority for the Administration is getting the Magnuson-Stevens Act reauthorized.

Public Comment: No public comment.

Department of Ecology Oil Spill Contingency Rule:

Andy indicated there is nothing new to report at this time and no DOE representatives were available for comment.

Moratorium on Oil and Gas Exploration:

Bill Arntz reported on current legislation regarding oil and gas development on the outer continental shelf (OCS). Both the Senate and the House have passed two bills authorizing increasing drilling in areas on the OCS. There are great differences in the House and Senate versions of this bill. Both legislative bodies are standing firm behind their own legislation. As a result, the probability of it going to conference and then to the President for his signature is remote. The House Bill would open virtually all of the US coastal waters as close as 100 miles from shore for oil drilling and closer if the states prefer. Another element of the House Bill is that any ban that is applied could be overruled by a state if the state desired. Any ban by a state

would have to be reviewed every five years. The Senate Bill is more limited. It opens two large tracts in the Gulf of Mexico, the closest being 125 miles from the Florida panhandle. Bill felt it unlikely there will be any offshore oil drilling legislation passed this session, but one can never absolutely predict the outcome, especially if there is a lame-duck session after the election.

Member Comment:

Bob Bohlman distributed 2007 calendars compliments of Marine Exchange of Puget Sound. He discussed a survey notice from Jan Newton regarding NANOOS and asked that people respond to that survey. Bob will be retiring the end of the year and will be replaced in his job by John Veentjer, but is hoping to be able to stay on as the maritime industry representative.

Bill Arntz brought to the attention of the members the action taken by the three west coast governors pledging to coordinate actions to study and protect the oceans. He felt it was appropriate for the advisory council to express their gratitude to the Governor for her leadership. Therefore, **Bill Arntz moved that the Olympic Coast National Marine Sanctuary Advisory Council express our thanks for Governor Gregoire's leadership in efforts to preserve and protect the Washington coast marine environment. The motion was seconded by Bob Morse.** Terrie Klinger indicated that since this is an expression of appreciation rather than a recommendation for action to be taken, she felt the matter could be addressed but suggested the vote be delayed until after lunch. There was discussion about whether to expand this to others involved in ocean protection issues, but the feeling was there were too many groups to thank and the preference was to thank Governor Gregoire for her leadership, particularly in view of her anticipated cooperation with the governors of the states of Oregon and California on ocean policy.

(Lunch break)

After lunch, the motion was read to refresh memory on its contents. Areas of discussion included: not having the opportunity to consult with constituencies before voting; the opinion this motion is an acknowledgment of appreciation, not recommending any action. **The motion passed with no votes opposing and one abstention.**

Coordinator Comments:

Andy Palmer passed out results of the University of Michigan survey which was taken last fall. This was a survey that asked a number of questions of advisory council members in all 14 sanctuaries about how they viewed the effectiveness of their role.

Superintendent's Report:

Jennifer Lukens, Acting Superintendent, reported the budget will probably not be approved during the current fiscal year, which means funding will remain at the 2006 level until the new budget is approved. Since funds available to the Sanctuary for the next quarter are low, it may be necessary to discuss changing location of the November SAC meeting because of travel

expenses. Management plan review for 2007 will depend on funding, as well as all of the other activities planned by OCNMS.

In September, OCNMS hosted all of the offices of national marine sanctuaries leadership teams. There were 47 people from the different sites and discussion topics ranged from day-to-day administration issues to bigger policy issues and enforcement. The group went on a field trip to Neah Bay, with a trip to Cape Flattery.

Aqua Energy proposal environmental assessment has not yet been received.

Big Eddy - second symposium is to be held in Tofino, British Columbia the week of October 11. Because of budget constraints, at this time there is approval for only Carol to attend.

Draft Fisheries Flow Chart – Headquarters staff from both the sanctuary program and NOAA fisheries are in the last stages of working on the response to comments. Jennifer is not aware whether there will be another review period. There was discussion about the purpose of the flow chart, and Jennifer indicated one of the primary reasons was for educating members of congress during reauthorization of the Sanctuary Act. There were questions about the next step, once the internal review of comments was completed. Jennifer expected that they would lay out the next steps once the review was done.

The Pacific Crossing cable - In August the cable was pulled up and re-laid with a target burial depth of 1 meter. Representatives of all parties including the sanctuary, the Makah tribe, and Tyco (the cable company) were on board and in cases where the target depth could not be reached, on-shore representatives were contacted in the event the on-board representative was not able to approve the alternate burial depth. Preliminary data results indicate that burial to the target depth is better than was done in 1999 but the touchdown monitoring vessel is still doing a post-lay burial inspection. In areas where the cable may not be buried, they will use jets on the ROV and try make the cable fall into the trench. Complete inspection will be done end to end on each cable with a final report in the future. It was suggested that the exact location of the cable be distributed electronically and by plastic hard copy so fishermen are aware of where it is located, similar to what is being done off the coast of Oregon.

Proposed Rescue Tug at Neah Bay:

At Mike Doherty's request, Andy discussed his knowledge of the current status of the proposed resolution supporting a year-around rescue tug to be stationed at Neah Bay. A draft of the proposal was prepared by Mike Doherty and forwarded to the Makah Tribe. He had not heard back from Jim Woods yet. Terrie and Andy both expressed reluctance to take any formal action in Jim Woods' absence. The draft language was provided to SAC members to review and discuss. The feeling of the SAC was no formal action should be taken at this meeting. The discussion that followed indicated that several forums have urged a multipurpose, year round rescue tug be located at Neah Bay. The Governor's Ocean Policy Work Group and the Oil Spill

Advisory Council will be making recommendations to the Governor and the Legislature, so it is suggested the SAC comment to the appropriate agency prior to those recommendations. Terrie commented that it would be basically reaffirming a position the SAC has taken before, and Andy pointed out the SAC wrote a letter in 2002 on state funding for a tug, and the FEIS for the sanctuary in 1994 also endorsed the idea of a rescue tug. Andy commented that, if approved, the SAC can adopt a stand alone resolution and approve a cover letter that would go to the appropriate state agency. Jennifer Hagen indicated the Ocean Policy Work Group is to have final draft recommendations to the Governor the first part of October, to be finalized between October and the beginning of December. There was discussion regarding rescue tug versus multipurpose rescue tug; the cost of building and daily operation cost, as well as discussion about the number of incidents which historically have been handled by tugs. Mike Doherty noted that Alaska has five large tugs with rescue and other capabilities, so some feel it is a matter of equity that Washington have one.

Terrie suggested the SAC plan to vote on this at the next meeting and invited members to make written comments to Mike Doherty in advance of the November meeting so language is not being crafted at that meeting.

Pacific Fisheries Management Council:

Steve Joner reported on the National Meeting of Chairs and Coordinators held in April. One of the topics discussed was interaction between the fishery councils and the sanctuaries, including SACs and staffs and specifically the Pacific Fisheries Management Council. The decision was made that sanctuary representatives would attend the June PFMC meeting.

At the June PFMC meeting, Fan and Steve reported on the results of the national Chairs/Coordinators meeting and commented on opportunities to do cooperative research. Steve requested that roundtable meetings take place at the November PFMC meeting in San Diego, with some resistance from both the sanctuary side and the fisheries council side. Steve pointed out a recent example of cooperation between the Tribes and OCNMS staff on the coral surveys and how that cooperation is beneficial to the sanctuary and fisheries. Steve encouraged OCNMS SAC to have a representative at the November PFMC meeting, if funding is available. Terrie thanked Steve for all the time and effort he has devoted and for arranging for Terrie to attend a meeting of the Marine Fisheries Advisory Committee, which advises the Secretary of Commerce on fisheries issues.

Fan reported on her attendance at the June PFMC meeting, indicating that from her perspective it would be good for the SAC to get to know the PFMC better and have better communication. Her feeling was most of the staff and committee members at PFMC were fairly receptive to that.

Cousteau Video was shown. The segment shown looked at the efforts to remove derelict fishing gear from areas in and around the OCNMS. The program had aired the night before on national television in a PBS series.

Meeting Comments/ Future Agenda/Adjourn:

The next meeting is November 3 and currently scheduled for Neah Bay but due to funding may be held by conference call.

Agenda topics for the November meeting:

Invite Jim Davis of Olympic Coast Alliance to talk about oil spill initiative and other initiatives;

Invite speaker for presentation on the Catala restoration project

Update on fishing flow chart - interaction between MSA and NMSA

Take action on resolution regarding permanent stationing of tug at Neah Bay

Andy will try to have rough draft of 2007 AOP, which will include proposed dated for 2007 SAC meetings

The meeting adjourned at 2:50 p.m.